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10/721,909	11/26/2003	Rafi Rabipour	86510-6	6274

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EXAMINER
GAUTHIER, GERALD

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Office Action Summary	10/721,909	RABIPOUR ET AL.
	Examiner	Art Unit	
	Gerald Gauthier	2614	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS,
WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on _02 December 2008_.

2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) _1-29,31-56 and 61-63_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☒ Claim(s) _61-63_ is/are allowed.

6) ☒ Claim(s) _1-3,5-7,9-20,22-24,26-29 and 31-56_ is/are rejected.

7) ☒ Claim(s) _4,8,21 and 25_ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All b) ☐ Some * c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage
        application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2.   The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148

USPQ 459 (1966), that are applied for establishing a background for determining

obviousness under 35 U.S.C. 103(a) are summarized as follows:

      1.   Determining the scope and contents of the prior art.
      2.   Ascertaining the differences between the prior art and the claims at issue.
      3.   Resolving the level of ordinary skill in the pertinent art.
      4.   Considering objective evidence present in the application indicating obviousness or nonobviousness.

3.   This application currently names joint inventors. In considering patentability of

the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of

the various claims was commonly owned at the time any inventions covered therein

were made absent any evidence to the contrary. Applicant is advised of the obligation

under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was

not commonly owned at the time a later invention was made in order for the examiner to

consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g)

prior art under 35 U.S.C. 103(a).

4.   **Claims 1-3, 5-7, 9-20, 22-24, 26-29 and 31-56** are rejected under 35 U.S.C.

103(a) as being unpatentable over Alkove et al. (US 2005/0002525 A1) in view of

Omoigui (US patent 7,149,359 B1).

Regarding **claim 1**, Alkove discloses a method of processing data carried on a

media path between a first network element and a second network element [paragraph

0001], comprising:

receiving a stream of composite packets from the first network element, each

composite packet carrying media information and auxiliary information pertaining to the

composite packet [ASF Steaming Audio-Visual (AV) data 100 is depicted in FIG. 1. The

ASF Streaming AV data 100, which includes audio data 102 and video data 104, has

been packetized into an ASF packet A 106 and an ASF packet B 108, paragraph 0021,

0022];

generating, on a basis of the media information and the auxiliary information

carried in the composite packets, an output media stream free of the auxiliary

information carried in the composite packets [Given the foregoing, FIG. 1 illustrates a

wire format in which smaller RTP packets are created from larger ASF packets, where

the packetization puts a payload of different data streams into separate packets each

with its own RTP PF header, paragraph 0023].

Alkove fails to disclose releasing the output media stream towards the second

network element.

However, Omoigui teaches releasing the output media stream towards the second network element [The decoded streams are then provided to and received by respective renderers 234, 236, 238, 240, and 242, column 8, lines 2-6].

Therefore, it would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the invention of Alkove using the teaching of streaming media refers to one or more individual media streams being transferred over a network as taught by Omoigui.

This modification of the invention enables the system to release the output media stream towards the second network element so that the system would represent a different media type and each of the media streams can be rendered by a network client to produce a user-perceivable presentation using a particular presentation medium.

Regarding **claims 2 and 19**, Omoigui teaches a method, wherein generating the output media stream comprises: removing the auxiliary information from each composite packet [column 7, lines 51-58].

Regarding **claims 3 and 20**, Omoigui teaches a method, wherein the media information carried in each composite packet comprises compressed media, wherein generating the output media stream further comprises: converting into waveform data the compressed media carried in each composite packet [column 8, lines 34-50].

Regarding **claims 5, 9, 22 and 26**, Omoigui teaches a method, wherein the media information carried in each composite packet comprises compressed media, wherein generating an intermediate media stream for a particular active speaker comprises: converting into waveform data the compressed media carried in each composite packet associated with the particular active speaker [column 8, lines 34-50].

Regarding **claims 6, 10, 23 and 27**, Omoigui teaches a method, wherein combining the intermediate media streams into the output media stream comprises: adding the waveform data carried in the intermediate media streams to generate the output media stream carrying composite waveform data [column 8, lines 34-50].

Regarding **claims 7, 11, 24 and 28**, Omoigui teaches a method, the method further comprising: encoding into compressed media the composite waveform data carried in the output media stream [column 8, lines 34-50].

Regarding **claims 12 and 43**, Omoigui teaches a method, wherein the media is speech [column 9, lines 21-30].

Regarding **claims 13 and 44**, Omoigui teaches a method, wherein the media is audio [column 9, lines 21-30].

Regarding **claims 14 and 45**, Omoigui teaches a method, wherein the media is still imagery [column 12, lines 8-22].

Regarding **claims 15 and 46**, Omoigui teaches a method, wherein the media is video [[column 9, lines 31-41].

Regarding **claims 16 and 29**, Omoigui teaches a method, further comprising packetizing the output media stream at a data interface prior to releasing the output media stream towards the second network element [column 8, lines 2-6].

Regarding **claim 17**, Alkove in combination with Omoigui disclose all the limitations of claim 17 as stated in claim 1's rejection above.

Regarding **claim 18**, Alkove in combination with Omoigui disclose all the limitations of claim 18 as stated in claim 1's rejection above.

Furthermore Omoigui teaches a data interface [224 on FIG. 3] and a processing entity [204 on FIG. 3].

Regarding **claim 31**, Alkove in combination with Omoigui disclose all the limitations of claim 31 as stated in claim 1's rejection above.

Furthermore Omoigui teaches deriving from the media information carried in each received packet auxiliary information pertaining to the received packet [A

streaming module 205 in server 100 manages the streaming of the composite media stream to client 104 based at least in part on the delivery times of the data units in the composite media stream, column7, lines 51-58].

Regarding **claim 32**, Omoigui teaches a method, wherein deriving from the media information in each received packet the auxiliary information pertaining to the received packet comprises: determining an identity of an end user device from which the received packet originates [column 8, lines 34-50].

Regarding **claims 33, 38, 49 and 53**, Omoigui teaches a method, wherein the media information carried in each received packet comprises compressed media, the method further comprising: producing each composite packet by associating to the compressed media carried in a respective received packet the auxiliary information pertaining to the respective received packet [column 8, lines 34-50].

Regarding **claims 34, 39, 50 and 54**, Omoigui teaches a method, wherein deriving from the media information in each received packet the auxiliary information pertaining to the received packet comprises: converting into waveform data the compressed media carried in the received packet; identifying at least one feature of the waveform data [column 8, lines 34-50].

Regarding **claims 36, 41, 52 and 56**, Omoigui teaches a method, wherein the at least one feature includes a signal power of the waveform data [column 8, lines 34-50].

Regarding **claims 37, 42 and 53**, Omoigui teaches a method, wherein deriving from the media information in each received packet the auxiliary information pertaining to the received packet comprises: determining an identity of an end user device from which the received packet originates [column 8, lines 34-50].

Regarding **claim 47**, Alkove in combination with Omoigui disclose all the limitations of claim 47 as stated in claim 31's rejection above.

Regarding **claim 48**, Alkove in combination with Omoigui disclose all the limitations of claim 48 as stated in claim 18's rejection above.

Furthermore Omoigui teaches a combiner [100 on FIG. 3].

Allowable Subject Matter

5.   **Claims 61-63** are allowed.

6.   **Claims 4, 8, 21 and 25** are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

7.   Applicant's arguments with respect to claims 1-29, 31-56 and 61-63 have been

considered but are moot in view of the new ground(s) of rejection.

Conclusion

8.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Gerald Gauthier whose telephone number is (571) 272-

7539. The examiner can normally be reached on 8:00 AM to 4:30 PM.

      If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Fan Tsang can be reached on (571) 272-7547. The fax phone number for

the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Gerald Gauthier/
Primary Examiner, Art Unit 2614

GG
January 27, 2009